

Notice of Allowability

Application No.

10/062,154

Examiner

Peter P Nerbun

Applicant(s)

ZESCH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 17 June 2004.
2. ☒ The allowed claim(s) is/are 1,3-20,35,38-40 and 42-53.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 07162004.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 06172004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In accordance with MPEP 1302.04, the following typographical error has been corrected:

In claim 38, line 1, "claim 36" has been changed to --claim 35-- since claim 36 has been cancelled by applicant.

In accordance with MPEP 608.02(w) the following drawing correction is required:

In Fig. 6 of the drawings, in box 368, "attititional" must be changed to --additional-- to correct a spelling error.

In accordance with 37 CFR 1.84 (p)(3), the numbers and letters illustrated in Figs. 1-9,12-18, and 21-25 must be enlarged so as to be at least 1/8 of an inch in height.

The following is an examiner's statement of reasons for allowance:

Claim 1 and its dependent claims are allowed because claim 1 specifically requires the steps of determining information related to at least a first stitch to be stitched, including providing a first stitch angle and a first stitch length, calculating a feed length using at least said first stitch angle and said first stitch length and obtaining tension data.

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Claim 4 is allowed because claim 4 specifically requires the steps of determining information related to at least a first stitch to be stitched, including calculating additional thread using a number of stitches crossed by a first stitch and a nominal stitch length and obtaining tension data.

Claim 7 is allowed because claim 7 specifically requires the steps of determining information related to at least a first stitch to be stitched, including adding to a thread length related to said first stitch based on a thickness of a fabric to be stitched using said first stitch and obtaining tension data.

Claim 8 is allowed because claim 8 specifically requires the steps of determining information related to at least a first stitch to be stitched, including adding to a thread length related to said first stitch based on an appliqué layer and obtaining tension data.

Claim 11 is allowed because claim 11 specifically requires the steps of determining information related to at least a first stitch to be stitched, checking whether a stitching cycle is completed and processing data related to a tension profile when said stitching cycle is complete.

Claim 14 and its dependent claim are allowed because claim 14 specifically requires the steps of obtaining tension data and controlling stitching of a first stitch using said tension data, including controlling feed length related to said first stitch using said tension data.

Claim 16 and its dependent claims are allowed because claim 16 specifically requires the steps of determining information related to at least a first stitch to be

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stitched using a stitching apparatus, obtaining tension data and controlling at least a first active thread feeder.

Claim 35 and its dependent claim are allowed because claim 35 specifically requires a stitching apparatus comprising a first active thread feeder which includes at least a first gear and in which said first gear receives an aligner related to aligning said first gear in operative association with a motor and a control that controls at least a first thread using information related to thread tension.

Claim 42 is allowed because claim 42 specifically requires a stitching apparatus comprising a control that controls at least a first thread using information related to thread tension and a second thread sensor that outputs data related to thread tension, said first thread including upper thread and lower thread and in which said first and second thread sensors are disposed more adjacent to said upper thread than to said lower thread.

Claim 46 is allowed because claim 46 specifically requires a control that controls at least a first thread, said control determines a feed length for at least a first stitch using at least a first stitch angle and a first stitch length.

Claim 48 and its dependent claim are allowed because claim 48 specifically requires a control that determines a number of stitches crossed by at least a first stitch and ascertains additional thread using said number of stitches crossed and a nominal length related to said first stitch.

Claim 50 is allowed because claim 50 specifically requires stitching apparatus comprising a control that controls at least a first thread using information related to

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thread tension, said control adds to a thread length based on at least one of the following: overlapping thread thickness of fabric and use of appliqué layer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

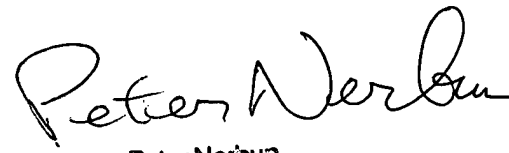
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P Nerbun whose telephone number is 703-308-0955. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun

July 21, 2004


Peter Nerbun
Primary Examiner